



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1270

Introduced 2/17/2015, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

See Index

Creates the Illinois Registered Design Practitioner Act. Provides for licensure of registered design practitioners by the Department of Financial and Professional Regulation. Provides for the registration of professional registered design firms not already registered under the Professional Service Corporation Act. Creates the Registered Design Practitioner Licensing Board and sets forth the powers and duties of the Board. Sets forth the powers and duties of the Department, exemptions from the Act, licensure qualifications, grounds for discipline, civil and criminal penalties, and administrative procedure. Establishes or authorizes the Department to establish various fees for the implementation of the Act. Sets forth provisions concerning license renewal, restoration, and reciprocity, display of licenses, and continuing education requirements. Preempts home rule. Amends the Regulatory Sunset Act. Provides a repeal date of January 1, 2026 for the Illinois Registered Design Practitioner Act. Repeals the Interior Design Title Act. Makes a conforming change in the Unified Code of Corrections. Effective immediately.

LRB099 07082 HAF 27166 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Illinois Registered Design Practitioner Act.

6 Section 5. Declaration of public policy. The practice of
7 registered design, as limited by and defined in this Act, in
8 the State of Illinois is hereby declared to affect the public
9 health, safety, and welfare and to be subject to regulation and
10 control in the public interest. It is further declared to be a
11 matter of public interest and concern that the practice of
12 registered design, as defined in this Act, merit and receive
13 the confidence of the public, and that only qualified persons
14 be authorized to practice registered design in the State of
15 Illinois. This Act shall be liberally construed to best carry
16 out these subjects and purposes.

17 Section 10. Application of Act. Nothing in this Act shall
18 be deemed or construed to prevent the practice of structural
19 engineering as defined in the Structural Engineering Licensing
20 Act of 1989, the practice of architecture as defined in the
21 Illinois Architecture Practice Act of 1989, or the practice of
22 professional engineering as defined in the Professional

1 Engineering Practice Act of 1989, or to prevent the offering or
2 preparation of environmental analysis, feasibility studies,
3 programming, or construction management services by persons
4 other than those registered in accordance with this Act, the
5 Structural Engineering Licensing Act of 1989, the Professional
6 Engineering Practice Act of 1989, or the Illinois Architecture
7 Practice Act of 1989.

8 Nothing contained in this Act prevents (i) the draftsmen,
9 students, project representatives, and employees of those
10 lawfully practicing as registered design practitioners under
11 the provisions of this Act from acting under the direct
12 supervision and control of their employers, (ii) the employment
13 of project representatives for modification, enlargement, or
14 alteration of the interior space of buildings or any parts
15 thereof, as allowed under this Act, or (iii) project
16 representatives from acting under the direct supervision and
17 control of the registered design practitioner by whom the
18 technical submissions (including drawings and specifications
19 of any interior space of a building, modification, or
20 alteration thereof) were prepared.

21 Nothing in this Act or any other Act prevents an architect
22 licensed under the Illinois Architecture Practice Act of 1989
23 from practicing or providing registered design services.

24 Nothing in this Act shall be construed as requiring the
25 services of a registered design practitioner for the interior
26 designing of any single-family residence.

1 Nothing in this Act shall be construed as limiting or
2 restricting the use by any individual or entity of the terms
3 "interior designer", "registered interior designer", or
4 "interior decorator".

5 This Act does not apply to:

6 (1) the building, remodeling, or repairing of any
7 building or other structure outside of the corporate limits
8 of any city or village, where the building or structure is
9 to be, or is used for residential or farm purposes, or for
10 the purposes of outbuildings or auxiliary buildings in
11 connection with the residential or farm premises;

12 (2) the interior design of any single-family
13 residence;

14 (3) any person or entity, including any person or
15 entity providing assistance to any realtor in staging or
16 presenting any property for sale or lease, who prepares
17 drawings limited to depicting the layout of furnishings
18 used in interior design or provides assistance in the
19 selection of furnishings used in interior design,
20 including, without limitation:

21 (A) decorative accessories;

22 (B) wallpaper, wall coverings, and paint;

23 (C) tile, carpeting, or floor coverings;

24 (D) draperies, blinds, or window coverings;

25 (E) lighting fixtures that are not part of the
26 structure;

1 (F) plumbing fixtures that are not part of the
2 structure; and

3 (G) furniture, fixtures, or equipment, including
4 cabinetry, provided the preparation or implementation
5 of those drawings or the installation of those
6 materials or furnishings is not regulated by any
7 building code or other law, ordinance, rule, or
8 regulation governing the alteration or construction of
9 a structure; or

10 (4) the interior design of any structure containing
11 less than 5,000 square feet of interior space.

12 However, all buildings not included in paragraphs (1)
13 through (4), including buildings previously exempt under those
14 provisions but subsequently non-exempt due to a change in
15 occupancy or use, are subject to the requirements of this Act.

16 Section 15. Definitions. In this Act:

17 "Board" means the Illinois Registered Design Practice
18 Board appointed by the Secretary.

19 "Department" means the Department of Financial and
20 Professional Regulation.

21 "Interior alteration" means any modification or renovation
22 that involves or includes, but is not limited to, change in the
23 physical state of permanent fixtures or equipment, remodeling,
24 renovation, rehabilitation, historic preservation,
25 reconstruction, restoration or improvements, ordinary repairs,

1 changes in design function or layout of rooms, assessment
2 rearrangement, and verification of code compliance of interior
3 exit provisions, and interior office systems furniture
4 rearrangements, as they pertain to the interior areas of a
5 structure, but specifically excluding: changes to load bearing
6 walls, columns, or other load bearing elements of a building
7 essential to the structural integrity of a building, the
8 structural envelope, or mechanical, electrical, plumbing, and
9 fire protection requirements. The following work is not
10 included under the definition of "interior alteration":
11 routine maintenance, redecoration, minor mechanical and
12 electrical systems alterations, replacement of plumbing piping
13 or valves, and rearrangements of interior office systems
14 furniture encompassing or utilizing less than an aggregate of
15 5,000 square feet of interior floor space.

16 "Interior life safety", as it pertains to a registered
17 design project, means the analysis, development,
18 interpretation, and review of space plans, interior
19 construction components, and the aggregate employment of such
20 components to constitute an assembly, materials, finishes, and
21 furniture or fixtures and equipment selections for compliance
22 with regulatory building code provisions that when applied
23 collectively, provide comprehensive safety features to
24 eliminate, reduce, or control life or health threatening
25 situations in the interior environments of a proposed or given
26 structure or building, but specifically excluding: structural

1 changes or alterations to previously determined core
2 enclosures, alterations to building entry ingress or egress
3 conditions that constitute horizontal or vertical fire exit
4 ways, fire compartmentalization, or areas of refuge, including
5 any access point to the structure, used for the purpose of
6 entering or exiting the building, the approach walk, the
7 vertical access leading to the entrance platform, areas of
8 refuge, the entry doors or gates and their associated hardware,
9 but specifically not excluding: egress or ingress analysis and
10 resolution within the interior space of the building including
11 horizontal fire exit ways leading to pre-determined vertical
12 fire exit ways.

13 "Illinois registered design professional" means a person
14 who holds an active license as a registered design practitioner
15 under this Act, as an architect under the Architecture Practice
16 Act of 1989, as a structural engineer under the Structural
17 Engineering Licensing Act of 1989, as a professional engineer
18 under the Professional Engineering Practice Act of 1989, or as
19 a land surveyor under the Professional Land Surveyor Act of
20 1989.

21 "Interior technical submissions" means detailed drawings
22 and specifications sealed and signed by a registered design
23 practitioner certifying compliance with applicable current
24 building codes, ordinances, laws, and regulations that define
25 the work to be constructed in such form as is required for
26 approval of a construction permit by a building official.

1 Interior technical submissions are the designs, drawings, and
2 specifications that establish the scope of the registered
3 design project to be constructed, the standard of quality for
4 materials, workmanship, equipment, and construction systems,
5 and the studies and the technical reports and calculations
6 prepared in the course of the practice of the profession of
7 registered design. Such submissions may be combined with
8 submissions prepared under the responsible control, seal, and
9 signature of other registered or licensed professionals. All
10 interior technical submissions intended for use in interior
11 construction in this State shall be prepared and administered
12 in accordance with standards of reasonable professional skill
13 and diligence. Care shall be taken to reflect the requirements
14 of State law and, where applicable, federal law and county and
15 municipal building ordinances in such submissions. In
16 recognition that registered design practitioners are licensed
17 for the protection of the public health, safety, and welfare,
18 submissions shall be of such quality and scope, and be so
19 administered, as to conform to professional standards.

20 "Profession of registered design" means the rendering of or
21 the offering to render designs, consultations, studies,
22 planning, drawings, specifications, contract documents, or
23 other technical submissions and the administration of interior
24 construction and contracts relating to non-structural interior
25 construction of a building by a registered design practitioner.
26 The term includes:

1 (1) space planning, finishes, furnishings, and the
2 design for fabrication of nonstructural interior
3 construction within interior spaces of buildings;

4 (2) responsibility for design of proposed, or
5 modification of existing, nonstructural and non-engineered
6 elements of construction, such as partitions, doors,
7 stairways, and paths of egress connecting to exits or exit
8 ways; and

9 (3) modification of existing building construction so
10 as to alter the number of persons for which the egress
11 systems for the building are designed.

12 "Public member" means a person who is not a registered
13 design practitioner, educator in the field, architect,
14 structural engineer, or professional engineer. For the
15 purposes of Board membership, any person with a significant
16 financial interest in the design or construction service or
17 profession is not a public member.

18 "Registered design practitioner" means an individual who
19 is qualified by education, training, experience, or
20 examination and who is licensed under the laws of this State to
21 practice the profession of registered design as defined by this
22 Act.

23 "Registered design project" means the provision of
24 professional services for the purpose of creating an interior
25 space that satisfies the functional and aesthetic requirements
26 of an area, within a given structure, encompassing all elements

1 of design theory, programming, planning, pre-designed
2 analysis, conceptual design, materials and finish selection,
3 interior construction documentation, furniture or fixture and
4 equipment selection, interior life safety, codes and standards
5 review or analysis and interpretation, project administration
6 and representation, and interior construction observation in
7 conjunction with the construction of any interior space within
8 a proposed or given structure, building, project, or addition,
9 alteration, or restoration thereof; but, specifically
10 excluding: structural changes or alterations to previously
11 determined core enclosures, alterations to building entry
12 ingress or egress conditions that constitute horizontal or
13 vertical fire exit ways, fire compartmentalization, or areas of
14 refuge, including any access point to the structure, used for
15 the purpose of entering or exiting the building, the approach
16 walk, the vertical access leading to the entrance platform,
17 areas of refuge, the entry doors or gates and their associated
18 hardware; but specifically not excluding egress or ingress
19 analysis and resolution within the interior space of the
20 building, including horizontal fire exit ways leading to
21 pre-determined vertical fire exit ways.

22 "Secretary" means the Secretary of Financial and
23 Professional Regulation.

24 "Space planning" means the translation of project or client
25 requirements into a physical plan of space within a proposed or
26 given structure, organizing major rooms, areas, furniture or

1 fixtures and equipment, determining internal circulation
2 systems or patterns, and the location of internal exit
3 requirements based on occupancy loads, assessment of life
4 safety factors, or the analysis of and for compliance with
5 State and local building codes, but specifically excluding:
6 building core elements, any access point to the structure used
7 for the purpose of entering or exiting the building, the
8 approach walk, the vertical access leading to the entrance
9 platform, areas of refuge, the entry doors or gates, and the
10 hardware of the entry doors or gates.

11 Section 20. Powers and duties of the Department. Subject to
12 the other provisions of this Act, the Department shall exercise
13 the following functions, powers, and duties:

14 (1) to conduct examinations to ascertain the
15 qualifications and fitness of applicants for licensure as
16 registered design practitioners, and pass upon the
17 qualifications and fitness of applicants for licensure by
18 endorsement;

19 (2) to prescribe rules for a method of examination of
20 candidates;

21 (3) to prescribe rules defining what constitutes a
22 school, college, university (or department of a
23 university), or other institution that is reputable and in
24 good standing; to determine whether or not a school,
25 college, university (or department of a university), or

1 other institution is reputable and in good standing by
2 reference to compliance with the rules, and to terminate
3 the approval of a school, college, university (or
4 department of a university), or other institution that
5 refuses admittance to applicants solely on the basis of
6 race, color, creed, sex, national origin, or sexual
7 orientation. The Department may adopt, as its own rules
8 relating to education requirements, those guidelines that
9 may be published from time to time by the Council for
10 Interior Design Accreditation (CIDA) or its successor
11 entity;

12 (4) to prescribe rules for diversified professional
13 training;

14 (5) to conduct oral interviews, disciplinary
15 conferences, and formal evidentiary hearings relating to
16 proceedings to reprimand or impose fines on a licensee or
17 to suspend, revoke, place on probationary status, or refuse
18 to issue or restore a license issued under this Act for any
19 of the reasons set forth in Section 95 of this Act;

20 (6) to issue licenses to those who meet the
21 requirements of this Act;

22 (7) to formulate and publish rules necessary or
23 appropriate to carrying out the provisions of this Act; and

24 (8) to review such applicant qualifications to sit for
25 the examination for licensure that the board designates
26 pursuant to Section 45 of this Act.

1 Section 25. Creation of the Board. The Secretary shall
2 appoint a Registered Design Practitioner Licensing Board that
3 shall consist of 5 members. Four members shall be licensed, or
4 with respect to the initial appointments under this Section, be
5 qualified to be licensed as registered design practitioners,
6 residing in this State, who have been engaged in the profession
7 of registered design for at least 5 years. In addition to the 4
8 registered design practitioners, there shall be one public
9 member. The public member shall be a voting member and shall
10 not hold a license as a registered design practitioner,
11 architect, professional engineer, structural engineer, or land
12 surveyor.

13 Board members shall serve for terms of 3 years and until
14 their successors are appointed and have qualified. For the
15 initial appointments made under this Act, however, 2 members
16 shall be appointed to serve for a period of one year, 2 members
17 shall be appointed to serve for a period of 3 years, and the
18 public member shall be appointed for a period of 5 years. In
19 appointing persons to the Board, the Secretary shall give due
20 consideration to recommendations by members and organizations
21 of the profession.

22 The membership of the Board should reasonably reflect
23 representation from the geographic areas in this State.

24 No member shall be reappointed to the Board for a term that
25 would cause his or her continuous service on the Board to be

1 longer that 6 successive years. Service on any board prior to
2 the effective date of this Act does not apply to this limit.

3 In making appointments to the Board, the Secretary shall
4 give due consideration to recommendations by national and State
5 organizations of the interior design profession, and shall
6 promptly give due notice to those organizations of any vacancy.

7 A vacancy in the membership of the Board does not impair
8 the right of a quorum to exercise all the rights and perform
9 all the duties of the Board.

10 The members of the Board shall each receive as compensation
11 a reasonable sum as determined by the Secretary for each day
12 actually engaged in the duties of the office, and all
13 legitimate and necessary expenses incurred in attending
14 meetings of the Board.

15 Appointments to fill vacancies shall be made in the same
16 manner as original appointments, for the unexpired portion of
17 the vacated term.

18 Three members shall constitute a quorum of Board members.
19 The chairman may vote on matters to come before the Board only
20 in the case of a tie vote.

21 The Secretary may terminate the appointment of any member
22 for cause that in the opinion of the Secretary reasonably
23 justifies such termination.

24 Notice of proposed rulemaking shall be transmitted to the
25 Board and the Department shall review the response of the Board
26 and any recommendations made therein. The Department may, at

1 any time, seek the expert advice and knowledge of the Board on
2 any matter relating to the administration or enforcement of
3 this Act.

4 Members of the Board shall be immune from suit in any
5 action based upon any disciplinary proceedings or other
6 activities performed in good faith as members of the Board.

7 Section 30. Powers and duties of the Board.

8 (a) The Board shall hold at least 3 regular meetings each
9 year.

10 (b) The Board shall annually elect a chairman, who shall be
11 a registered design practitioner.

12 (c) The Board, upon request by the Department, may make a
13 curriculum evaluation to determine if courses conform to the
14 requirements of approved design programs.

15 (d) The Board shall assist the Department in conducting
16 oral interviews, disciplinary conferences, and formal
17 evidentiary hearings.

18 (e) The Department may, at any time, seek the expert advice
19 and knowledge of the Board on any matter relating to the
20 enforcement of this Act.

21 (f) The Board may appoint a subcommittee to serve as a
22 Complaint Committee to recommend the disposition of case files
23 according to the procedures established by rule.

24 (g) The Board shall review applicant qualifications to sit
25 for the examination or for licensure and shall make

1 recommendations to the Department. The Department shall review
2 the Board's recommendations on applicant qualifications. The
3 Secretary shall notify the Board in writing with an explanation
4 of any deviation from the Board's recommendation on applicant
5 qualifications. After review of the Secretary's written
6 explanation of his or her reasons for deviation, the Board
7 shall have the opportunity to comment upon the Secretary's
8 decision.

9 Section 35. Application for original license.

10 (a) Each applicant for license shall apply to the
11 Department in writing on a form provided by the Department.
12 Except as otherwise provided in this Act, each applicant shall
13 take and pass an examination approved by the Department. The
14 Board may adopt substantially all or part of the examination
15 and grading procedures of the National Council for Interior
16 Design Qualification or its successor entity. Prior to
17 licensure, the applicant shall provide substantial evidence to
18 the Board that the applicant:

19 (1) is a graduate of a 5-year interior design program
20 from an accredited institution and has completed at least
21 one year of full-time diversified interior design
22 experience;

23 (2) is a graduate of a 4-year interior design program
24 from an accredited institution and has completed at least 2
25 years of full-time diversified interior design experience;

1 (3) has completed at least 3 years of interior design
2 curriculum from an accredited institution and has
3 completed 3 years of full-time diversified interior design
4 experience;

5 (4) is a graduate of a 2-year interior design program
6 from an accredited institution and has completed 4 years of
7 full-time diversified interior design experience; or

8 (5) is a holder of a masters degree or its equivalent
9 awarded upon completion of an interior design program from
10 an accredited institution and has completed one year of
11 full-time diversified interior design experience.

12 (b) In addition to providing evidence of meeting the
13 requirements of subsection (a) of this Section, each applicant
14 shall provide substantial evidence that he or she has
15 successfully completed the examination administered by the
16 National Council for Interior Design Qualification or its
17 successor entity. Examinations for applicants under this Act
18 may be held at the direction of the Department from time to
19 time, but not less than once each year. The scope and form of
20 the examination shall conform to the National Council for
21 Interior Design Qualification's examination, or the
22 examination administered by that organization's successor
23 entity, as recognized and determined by the Department.

24 Each applicant for licensure who possesses the necessary
25 qualifications shall pay to the Department the required license
26 fee, which is not refundable.

1 An individual applying for licensure shall have 3 years
2 after the date of application to complete the application
3 process. If the process has not been completed in 3 years, the
4 application shall be denied and the fee forfeited. The
5 applicant may reapply, but shall meet the requirements in
6 effect at the time of reapplication.

7 (c) An architect licensed under the Illinois Architecture
8 Practice Act of 1989 may, without examination, be granted a
9 license to provide services as a registered design practitioner
10 upon submission to the Department of proof of his or her
11 licensure as an architect and payment of the required fee,
12 which shall be determined by the Department by rule.

13 (d) All currently active registered interior designers who
14 are registered under the Illinois Interior Design Title Act,
15 and who have met the qualifications for licensure set forth in
16 this Act, may be granted a license to provide services as a
17 registered design practitioner, as described in this Act and as
18 determined by the Department.

19 Section 40. Social Security number on license application.
20 In addition to any other information required to be contained
21 in the application, every application for an original, renewal,
22 or restored license under this Act shall include the
23 applicant's Social Security number.

24 Section 45. Qualifications of applicants. A person who is

1 of good moral character and is a citizen of the United States
2 or any of its territories or a lawfully admitted alien may take
3 an examination for licensure if he or she is a graduate of a
4 program deemed satisfactory by the Department and has completed
5 diversified professional training, including academic
6 training, as required by Section 35 of this Act and the rules
7 of the Department. The Department may adopt, as its own rules
8 relating to diversified professional training, those
9 guidelines that may be published from time to time by the
10 National Council for Interior Design Qualification or its
11 successor entity.

12 "Good moral character" means such character as will enable
13 a person to discharge the fiduciary duties of a registered
14 interior designer to that person's clients and to the public in
15 a manner that protects health, safety, and welfare. Evidence of
16 inability to discharge those duties may include the commission
17 of an offense justifying discipline under Section 95 of this
18 Act. In addition, the Department may take into consideration
19 any felony conviction of the applicant, but such a conviction
20 shall not operate as an absolute bar to qualification for
21 examination for licensure.

22 Section 50. Display of license seal. Every holder of a
23 license as a registered design practitioner shall display it in
24 a conspicuous place in the principal office of the registered
25 design practitioner.

1 Every registered design practitioner shall have a
2 reproducible seal, or facsimile, the print of which shall
3 contain the name of the registered design practitioner, the
4 license number, and the words "Registered Design Practitioner,
5 State of Illinois". The registered design practitioner shall
6 affix the signature, current date, date of license expiration,
7 and seal to the first sheet of any bound set or loose sheets of
8 interior technical submissions utilized as contract documents
9 or prepared for the review and approval of any governmental or
10 public authority having jurisdiction by that registered design
11 practitioner, or under that registered design practitioner's
12 direct supervision and control. The sheet of interior technical
13 submissions to which the seal is affixed shall indicate those
14 documents or parts thereof to which the seal applies. A
15 registered design practitioner shall be deemed to be a
16 registered design professional as that term is used or defined
17 in any building code or regulation adopted by any governmental
18 or public authority having jurisdiction.

19 For the purposes of this Act, "direct supervision and
20 control" means that the registered design practitioner has
21 exerted sufficient personal supervision, control, and review
22 of the activities of those employed to perform registered
23 design work to ensure that the interior technical submissions
24 produced by those so employed and sealed by the registered
25 design practitioner meet the standards of reasonable
26 professional skill and diligence and are of no lesser quality

1 than if they had been produced personally by the registered
2 design practitioner. The registered design practitioner is
3 obligated to have detailed professional knowledge of the
4 interior technical submissions the registered design
5 practitioner seals, and to have exercised professional
6 judgment in all registered design matters embodied in those
7 interior technical submissions. Merely reviewing the interior
8 technical submissions produced by others, even if they are
9 licensed, shall not constitute "direct supervision and
10 control" by the registered design practitioner unless the
11 registered design practitioner has actually exercised
12 supervision and control over the preparation of the interior
13 technical submissions.

14 Section 55. Issuance of license. If an applicant has
15 complied with the provisions of this Act, then the Department
16 shall issue a license to that applicant.

17 Section 60. Licenses; renewal; restoration; reciprocity;
18 registered design practitioners in military service. The
19 expiration date and renewal period for each license issued
20 under this Act shall be set by rule. The holder of a license
21 may renew the license during the month preceding the expiration
22 date thereof by paying the required fee. A registered design
23 practitioner who has permitted his or her license to expire or
24 who has had his or her license on inactive status may have his

1 or her license restored by making application to the Department
2 and filing proof acceptable to the Department of his or her
3 fitness to have his or her license restored, including sworn
4 evidence certifying to active practice in another jurisdiction
5 satisfactory to the Department, and by paying the required
6 restoration fee.

7 If the person has not maintained an active practice in
8 another jurisdiction satisfactory to the Department, the Board
9 shall determine, by an evaluation program established by rule,
10 that person's fitness to resume active status and may require
11 that person to successfully complete an examination.

12 Any person whose license has been expired for more than 3
13 years may have his or her license restored by submitting an
14 application to the Department and filing proof acceptable to
15 the Department of his or her fitness to have his or her license
16 restored, including sworn evidence certifying to active
17 practice in another jurisdiction, and by paying the required
18 restoration fee.

19 However, any person whose license has expired while he or
20 she has been engaged (i) in federal service on active duty with
21 the United States Army, Navy, Marine Corps, Air Force, Coast
22 Guard, or the State Militia called into the service or training
23 of the United States of America, or (ii) in training or
24 education under the supervision of the United States
25 preliminary to induction into the military service, may have
26 his or her license restored or reinstated without paying any

1 lapsed renewal fees or restoration fee if within 2 years after
2 termination of the service, training, or education other than
3 by dishonorable discharge he or she furnishes the Department
4 with an affidavit to the effect that he or she has been so
5 engaged and that his or her service, training, or education has
6 been so terminated.

7 Section 65. Inactive status; restoration. Any registered
8 design practitioner who notifies the Department, in writing on
9 forms prescribed by the Department, may elect to place his or
10 her license on an inactive status and shall, subject to rules
11 of the Department, be excused from payment of renewal fees
12 until he or she notifies the Department in writing of his or
13 her desire to resume active status.

14 A registered design practitioner requesting restoration
15 from inactive status shall be required to pay the current
16 renewal fee and shall have his or her license restored as
17 provided in Section 140 of this Act.

18 A registered design practitioner whose license is in an
19 inactive status shall not practice the profession of registered
20 design in the State.

21 Section 70. Endorsement. The Department may, in its
22 discretion and upon payment of the required fee, issue a
23 license as a registered design practitioner, without
24 examination, to an applicant who is a design practitioner

1 licensed or registered under the laws of another state or
2 territory, if the requirements for licensure or registration in
3 that state or territory were, at the date of his or her
4 license, substantially equivalent to the requirements in force
5 in this State on that date as determined by the Board.

6 Applicants have 3 years after the date of application to
7 complete the application process. If the process has not been
8 completed within the 3 years, the application shall be denied,
9 the fee shall be forfeited, and the applicant must reapply and
10 meet the requirements in effect at the time of reapplication.

11 Section 75. Fees.

12 (a) License fees.

13 (1) The fee for application for a license is \$100.

14 (2) In addition, applicants for any examination are
15 required to pay, either to the Department or to the
16 designated testing service, a fee covering the cost of
17 determining the applicant's eligibility and providing the
18 examination. Failure to appear for the examination on the
19 scheduled date, at the time and place specified, after the
20 applicant's application for examination has been received
21 and acknowledged by the Department or the designated
22 testing service, shall result in the forfeiture of the
23 examination fee.

24 (3) The fee for a license for a registered design
25 practitioner registered, certified, or licensed under the

1 laws of another state or territory of the United States or
2 province is \$100.

3 (4) The fee for the renewal of a license is \$30.

4 (5) The fee for the restoration of a license other than
5 from inactive status is \$10, plus payment of all lapsed
6 renewal fees.

7 (6) The fee for application for a license as a
8 registered design practice corporation or partnership is
9 \$100.

10 (7) The fee for a renewal of a license or certificate
11 of license as a professional registered design firm is \$30.

12 (b) General fees.

13 (1) The fee for the issuance of a duplicate license,
14 for the issuance of a replacement license for a license
15 that has been lost or destroyed, or for the issuance of a
16 license with a change of name or address other than during
17 the renewal period is \$20. No fee is required for name and
18 address changes on Department records when no duplicate
19 license is issued.

20 (2) The fee for a certification of a licensee's or
21 registrant's record for any purpose is \$20.

22 (3) The fee for rescoring an examination is the cost to
23 the Department of rescoring the examination, plus any fees
24 charged by the applicable testing service to have the
25 examination rescored.

26 (4) The fee for a wall certificate showing licensure is

1 the actual cost of producing such certificate.

2 (5) The fee for a roster of registered design
3 practitioners in this State is the actual cost of producing
4 the roster.

5 (c) The fees in this Section are nonrefundable.

6 (d) All of the fees and fines collected under this Section
7 shall be deposited into the Design Professionals
8 Administration and Investigation Fund.

9 (e) Any person who delivers a check or other payment to the
10 Department that is returned to the Department unpaid by the
11 financial institution upon which it is drawn shall pay to the
12 Department, in addition to the amount already owing to the
13 Department, a fine of \$50. If the check or other payment was
14 for a renewal or issuance fee and that person practices without
15 paying the renewal fee or issuance fee and the fine due, an
16 additional fine of \$100 shall be imposed. The fines imposed by
17 this Section are in addition to any other discipline provided
18 under this Act for unregistered practice or practice on an
19 expired license. The Department shall notify the person that
20 payment of fees and fines shall be paid to the Department by
21 certified check or money order within 30 calendar days of the
22 notification. If, after termination or denial, the person seeks
23 a license or certificate, he or she shall apply to the
24 Department for restoration or issuance of the license or
25 certificate and pay all fees and fines due to the Department.
26 The Department may establish a fee for the processing of an

1 application for restoration of a license or certificate to pay
2 all expenses of processing this application. The Secretary may
3 waive the fines due under this subsection (e) in individual
4 cases where the Secretary finds that the fines would be
5 unreasonable or unnecessarily burdensome.

6 Section 80. Roster of licensees and registrants. A roster
7 showing the names and addresses of all registered design
8 practitioners, registered design practitioner corporations,
9 and partnerships and professional registered design firms
10 licensed or registered under this Act shall be prepared by the
11 Department each year. This roster shall be available upon
12 written request and payment of the required fee.

13 Section 85. Continuing education. The Department shall
14 adopt rules establishing continuing education requirements for
15 persons licensed under this Act. The Department shall consider
16 the recommendations of the Board in establishing the guidelines
17 for the continuing education requirements. The requirements of
18 this Section apply to any person seeking license renewal or
19 restoration under Section 60 or 65 of this Act.

20 Section 90. Professional registered design firm
21 registration; conditions.

22 (a) Nothing in this Act prohibits the formation, under the
23 provisions of the Professional Service Corporation Act, of a

1 corporation to practice registered design.

2 Any business not formed under the Professional Service
3 Corporation Act and not registered as such with the Department,
4 and which includes the practice of the profession of registered
5 design within its stated purposes or practices or holds itself
6 out as available to practice the profession of registered
7 design, shall register with the Department under this Section.
8 Any professional service corporation, sole proprietorship, or
9 professional registered design firm offering registered design
10 services must have a resident registered design practitioner or
11 other Illinois licensed design professional overseeing the
12 registered design practices in each location in which
13 registered design services are provided.

14 Any sole proprietorship not owned and operated by an
15 Illinois registered design professional shall be prohibited
16 from offering registered design services under this Act to the
17 public. Any sole proprietorship owned and operated by a
18 registered design practitioner with an active license issued
19 under this Act is exempt from the license requirements of a
20 professional registered design firm.

21 (b) Any corporation, including a Professional Service
22 Corporation, partnership, limited liability company, or
23 professional registered design firm seeking to be registered
24 under this Section shall not be registered unless:

25 (1) two-thirds of the board of directors (in the case
26 of a corporation), general partners (in the case of a

1 partnership), or members (in the case of a limited
2 liability company) are certified or registered under the
3 laws of any state to practice registered interior design,
4 architecture, professional engineering, structural
5 engineering or land surveying; and

6 (2) the person having the registered design practice in
7 this State in his or her charge is (A) a director (in the
8 case of a corporation), general partner (in the case of a
9 partnership), or member (in the case of a limited liability
10 company) and (B) holds a license under this Act.

11 A corporation, limited liability company, professional
12 service corporation, or partnership qualifying under this
13 Section and practicing in this State shall file with the
14 Department all information concerning its officers, directors,
15 members, managers, or partners that the Department may, by
16 rule, require.

17 (c) No business shall practice or offer the practice or
18 hold itself out as available to offer the practice of the
19 profession of registered design until it is registered with the
20 Department.

21 (d) A business seeking to be registered under this Section
22 shall submit an application on a form provided by the
23 Department and shall provide all information requested by the
24 Department, including, but not limited to, all of the
25 following:

26 (1) The name and license number of at least one person

1 designated as the managing agent in responsible charge of
2 the practice of the profession of registered design in
3 Illinois. In the case of a corporation, the corporation
4 shall also submit a certified copy of the resolution by the
5 board of directors designating at least one managing agent.
6 If the business is a limited liability company, the company
7 shall submit a certified copy of either its articles of
8 organization, or its operating agreement, whichever
9 designates the managing agent.

10 (2) The names and license numbers of the registered
11 design practitioners, professional engineers, architects,
12 and structural engineers among the directors (in the case
13 of a corporation), members (in the case of a limited
14 liability company), or general partners (in the case of a
15 partnership).

16 (3) A list of all locations at which the professional
17 registered design firm provides registered design
18 practitioner services.

19 (4) A list of all assumed names of the business.

20 Nothing in this Section shall be construed to exempt a
21 business from compliance with the requirements of the Assumed
22 Business Name Act.

23 It is the responsibility of the professional registered
24 design firm to provide the Department notice in writing of any
25 changes in the information requested on the application.

26 (e) If a managing agent terminates his or her status as a

1 managing agent of the professional registered design firm, or
2 is terminated, the managing agent and the registered
3 professional design firm shall each notify the Department of
4 this fact in writing, by certified mail, within 30 business
5 days after the termination.

6 If it has so notified the Department, the professional
7 registered design firm has 60 days after the termination date
8 in which to notify the Department of the name and license
9 number of the registered design practitioner who is the newly
10 designated managing agent. A corporation shall also submit a
11 certified copy of a resolution by the board of directors
12 designating the new managing agent. A limited liability company
13 shall also submit a certified copy of either its articles of
14 organization or its operating agreement, whichever designates
15 the new managing agent. The Department may, upon good cause
16 shown, extend the original 60-day period.

17 If the professional registered design firm has not notified
18 the Department within the specified time, the license shall be
19 terminated without prior hearing. Notification of termination
20 shall be sent by certified mail to the last known address of
21 the business. If the professional registered design firm
22 continues to operate and offer registered design services after
23 the termination, the Department may seek prosecution under
24 Sections 100, 105, and 115 of this Act for the unregulated
25 practice of registered design.

26 (f) No professional registered design firm shall be

1 relieved of responsibility for the conduct or acts of its
2 agents, employees, or officers by reason of its compliance with
3 this Section, nor shall any individual practicing the
4 profession of registered design be relieved of the
5 responsibility for professional services performed by reason
6 of the individual's employment or relationship with a
7 professional registered design firm registered under this
8 Section.

9 (g) Disciplinary action against a professional registered
10 design firm registered under this Section shall be administered
11 in the same manner and on the same grounds as disciplinary
12 action against a registered design practitioner.

13 Section 95. Refusal, suspension and revocation of
14 licenses; causes.

15 (a) The Department may refuse to issue, refuse to renew,
16 refuse to restore, suspend, or revoke any license or may place
17 on probation, reprimand, or take other disciplinary or
18 non-disciplinary action as the Department may deem proper,
19 including the imposition of fines not to exceed \$10,000 for
20 each violation, with regard to any license or registration
21 under this Act for any of the following reasons:

22 (1) material misstatement in furnishing information to
23 the Department;

24 (2) negligence, incompetence, or misconduct in the
25 practice of the profession of registered design;

1 (3) failure to comply with any of the provisions of
2 this Act or its rules;

3 (4) making any misrepresentation for the purpose of
4 obtaining licensure or registration;

5 (5) purposefully making false statements or signing
6 false statements, certificates, or affidavits to induce
7 payment;

8 (6) conviction of any crime under the laws of the
9 United States, or any state or territory thereof, which is
10 a felony, whether related to the practice of interior
11 design or not; or conviction of any crime, whether a
12 felony, misdemeanor, or otherwise, an essential element of
13 which is dishonesty or wanton disregard for the rights of
14 others, or that is directly related to the practice of
15 registered design;

16 (7) aiding or assisting another person in violating any
17 provision of this Act or its rules;

18 (8) signing or affixing the registered design
19 practitioner's seal or permitting the registered design
20 practitioner's seal to be affixed to any technical
21 submissions not prepared by the registered design
22 practitioner or under that registered design
23 practitioner's direct supervision and control;

24 (9) engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public;

1 (10) habitual intoxication or addiction to the use of
2 drugs;

3 (11) making a statement of compliance under the
4 Environmental Barriers Act that technical submissions
5 prepared by the registered design practitioner or prepared
6 under the registered design practitioner's direct
7 supervision and control for construction or alteration of
8 an occupancy required to be in compliance with the
9 Environmental Barriers Act are in compliance with the
10 Environmental Barriers Act when the technical submissions
11 are not in compliance;

12 (12) a finding by the Board that a licensee or
13 registrant whose license or registration has been placed on
14 probationary status has violated the terms of probation;

15 (13) discipline by another state, territory, foreign
16 country, the District of Columbia, the United States
17 government, or any other governmental agency, if at least
18 one of the grounds for discipline is the same or
19 substantially equivalent to those set forth in this
20 Section;

21 (14) failure to provide information in response to a
22 written request made by the Department within 30 days after
23 receipt of the written request; and

24 (15) physical illness, including, but not limited to,
25 deterioration through the aging process or loss of motor
26 skill that results in the inability to practice the

1 profession with reasonable judgment, skill, or safety.

2 (b) The determination by a circuit court that a licensee is
3 subject to involuntary admission or judicial admission, as
4 provided in the Mental Health and Developmental Disabilities
5 Code, operates as an automatic suspension. The suspension shall
6 end only upon a finding by a court that the patient is no
7 longer subject to involuntary admission or judicial admission,
8 the issuance of an order so finding and discharging the
9 patient, and the recommendation of the Board to the Secretary
10 that the licensee be allowed to resume practice.

11 The Department may refuse to issue or may suspend the
12 license of any person who fails to file a return, to pay the
13 tax, penalty, or interest shown in a filed return, to pay any
14 final assessment of tax, penalty, or interest, as required by
15 any tax Act administered by the Illinois Department of Revenue,
16 until such time as the requirements of any that tax Act are
17 satisfied.

18 Persons who assist the Department as consultants or expert
19 witnesses in the investigation or prosecution of alleged
20 violations of this Act, licensure matters, restoration
21 proceedings, or criminal prosecutions shall not be liable for
22 damages in any civil action or proceeding as a result of such
23 assistance, except upon proof of actual malice. The Attorney
24 General shall defend those persons in any such action or
25 proceeding.

1 Section 100. Violations; injunction; cease and desist
2 order.

3 (a) If any person or entity violates a provision of this
4 Act, the Secretary may, in the name of the People of the State
5 of Illinois, through the Attorney General of the State of
6 Illinois, petition for an order enjoining the violation or for
7 an order enforcing compliance with this Act. Upon the filing of
8 a verified petition in the court, the court may issue a
9 temporary restraining order, without notice or bond, and may
10 preliminarily and permanently enjoin the violation. If it is
11 established that the person or entity has violated or is
12 violating the injunction, the court may punish the offender for
13 contempt of court. Proceedings under this Section are in
14 addition to, and not in lieu of, all other remedies and
15 penalties provided by this Act.

16 (b) If any person or entity practices as a registered
17 design practitioner or professional registered design firm or
18 holds himself or herself out as a registered design
19 practitioner or professional registered design firm without
20 being licensed or registered under the provisions of this Act,
21 then any registered design practitioner, any interested party,
22 or any person injured thereby may, in addition to the
23 Secretary, petition for relief as provided in subsection (a) of
24 this Section.

25 (c) Whenever in the opinion of the Department any person or
26 entity violates any provision of this Act, the Department may

1 issue a rule to show cause why an order to cease and desist
2 should not be entered against him or her. The rule shall
3 clearly set forth the grounds relied upon by the Department and
4 shall provide a period of 7 days after the date of the rule to
5 file an answer to the satisfaction of the Department. Failure
6 to answer to the satisfaction of the Department shall cause an
7 order to cease and desist to be issued immediately.

8 Section 105. Investigations; notice and hearing. The
9 Department may investigate the actions of any applicant or of
10 any person or entity holding or claiming to hold a license.
11 Before the initiation of an investigation, the matter shall be
12 reviewed by a subcommittee of the Board according to procedures
13 established by rule for the Complaint Committee. The Department
14 shall, before refusing to restore, issue, or renew a license,
15 or disciplining a licensee or registrant, at least 30 days
16 prior to the date set for the hearing, notify in writing the
17 applicant for or holder of a license or registration of the
18 nature of the charges and that a hearing will be held on the
19 date designated and direct the applicant or licensee or
20 registrant to file a written answer to the Board under oath
21 within 20 days after the service of the notice and inform the
22 applicant, licensee, or registrant that failure to file an
23 answer will result in default being taken against the
24 applicant, licensee, or registrant and that the license may be
25 suspended, revoked, place on probationary status, or other

1 disciplinary action may be taken, including limiting the scope,
2 nature, or extent of practice, as the Secretary may deem
3 proper. Written notice may be served by personal delivery or
4 certified or registered mail to the respondent at the address
5 of his or her last notification to the Department. If the
6 person or entity fails to file an answer after receiving
7 notice, his or her license or may, in the discretion of the
8 Department, be suspended, revoked, or placed on probationary
9 status, or the Department may take whatever disciplinary action
10 it deems proper, including limiting the scope, nature, or
11 extent of the person's practice or the imposition of a fine,
12 without a hearing, if the act or acts charged constitute
13 sufficient grounds for such action under this Act. At the time
14 and place fixed in the notice, the Board shall proceed to hear
15 the charges, and the parties or their counsel shall be accorded
16 ample opportunity to present such statements, testimony,
17 evidence, and argument as may be pertinent to the charges or to
18 their defense. The Board may continue the hearing from time to
19 time.

20 Section 110. Stenographer; transcript. The Department, at
21 its expense, shall preserve a record of all proceedings at the
22 formal hearing of any case involving the refusal to restore,
23 issue, or renew a license or the discipline of a registrant.
24 The notice of hearing, complaint, and all other documents in
25 the nature of pleadings and written motions filed in the

1 proceedings, the transcript of testimony, the report of the
2 Board and the orders of the Department shall be the record of
3 the proceedings. The Department shall furnish a transcript of
4 the record to any person interested in the hearing upon payment
5 of the fee required by Section 2105-115 of the Department of
6 Professional Regulation Law of the Civil Administrative Code of
7 Illinois.

8 Section 115. Subpoenas of witnesses; oaths. The Department
9 has power to subpoena and bring before it any person in this
10 State and to take testimony either orally or by deposition, or
11 both, with the same fees and mileage and in the same manner as
12 prescribed by law in judicial proceedings in civil cases in
13 circuit courts of this State.

14 The Secretary and any member of the Board has the power to
15 administer oaths to witnesses at any hearing that the
16 Department is authorized by law to conduct, and any other oaths
17 required or authorized in any Act administered by the
18 Department.

19 Section 120. Procedure to compel attendance of witnesses.
20 Any circuit court, upon the application of the accused person,
21 or complainant, or of the Department, may, by order duly
22 entered, require the attendance of witnesses and the production
23 of relevant books and papers before the Department in any
24 hearing relating to the application for or refusal, recall,

1 suspension, or revocation of the license, or the discipline of
2 a licensee, and the court may compel obedience to its order by
3 proceedings for contempt.

4 Section 125. Report of Board; rehearing. After the hearing,
5 the Board shall present to the Secretary its written report of
6 its findings and recommendations. A copy of the report shall be
7 served upon the accused person, either personally, or by
8 registered or certified mail as provided in this Act for the
9 service of the notice. Within 20 days after the service, the
10 accused person may present to the Department his or her motion
11 in writing for a rehearing, which shall specify the particular
12 grounds for rehearing. If the accused person orders and pays
13 for a transcript of the record as provided in this Section, the
14 time elapsing before the transcript is ready for delivery to
15 him or her shall not be counted as part of the 20 days.

16 Whenever the Secretary is not satisfied that substantial
17 justice has been done, he or she may order a rehearing by the
18 same or another special board. At the expiration of the time
19 specified for filing a motion for a rehearing, the Secretary
20 has the right to take the action recommended by the Board.

21 Section 130. Hearing officer. Notwithstanding the
22 provisions of Section 105 of this Act, the Secretary has the
23 authority to appoint any attorney duly licensed to practice law
24 in the State to serve as the hearing officer in any action

1 under Section 125. The Secretary shall notify the Board of any
2 such appointment. The hearing officer has full authority to
3 conduct the hearing. The Board has the right to have at least
4 one member present at any hearing conducted by the hearing
5 officer. The hearing officer shall report his or her findings
6 of fact, conclusions of law, and recommendations to the Board
7 and the Secretary. The Board has 60 days after the receipt of
8 the report to review the report of the hearing officer and
9 present his or her findings of fact, conclusions of law, and
10 recommendations to the Secretary. If the Board fails to present
11 its report within the 60-day period, the Secretary shall issue
12 an order based on the report of the hearing officer. If the
13 Secretary disagrees in any regard with the report of the Board
14 or hearing officer, he or she may issue an order in
15 contravention thereof. The Secretary shall provide a written
16 explanation to the Board on any deviation, and shall specify
17 with particularity the reasons for such action in the final
18 order.

19 Section 135. Order to be prima facie proof. An order of
20 revocation or suspension or a certified copy thereof, over the
21 seal of the Department and purporting to be signed by the
22 Secretary, shall be prima facie proof:

23 (1) that the signature is the genuine signature of the
24 Secretary;

25 (2) that the Secretary is duly appointed and qualified;

1 and

2 (3) that the Board and the members thereof are
3 qualified to act.

4 This prima facie proof may be rebutted.

5 Section 140. Issuance or restoration of license. At any
6 time after the refusal to issue, suspension, or revocation of
7 any license, the Department may issue or restore it to the
8 applicant without examination, upon the written recommendation
9 of the Board.

10 Section 145. Surrender of license. Upon the revocation or
11 suspension of any license or certificate of registration, the
12 licensee or registrant shall immediately surrender the license
13 or certificate of registration to the Department and, if the
14 licensee or registrant fails to do so, the Department has the
15 right to seize the license or certificate of registration.

16 Section 150. Summary suspension of a license. The Secretary
17 may temporarily suspend the license of a registered design
18 practitioner without a hearing, simultaneously with the
19 institution of proceedings for a hearing provided for in
20 Section 105 of this Act, if the Secretary finds evidence that
21 indicates a registered design practitioner's continuation of
22 practice would constitute an imminent danger to the public. In
23 the event that the Secretary temporarily suspends the license

1 of a registered design practitioner without a hearing, a
2 hearing by the Board must be held within 30 days after the
3 suspension has occurred.

4 Section 155. Review under the Administrative Review Law;
5 venue. All final administrative decisions of the Department
6 under this Act are subject to judicial review under the
7 provisions of the Administrative Review Law. The term
8 "administrative decision" means the same as in Section 3-101 of
9 the Code of Civil Procedure.

10 The proceedings for judicial review shall be commenced in
11 the circuit court of the county that the party applying for
12 review resides, but if the party is not a resident of this
13 State, the venue shall be in Sangamon County.

14 Section 160. Certifying record to court; costs. The
15 Department shall not be required to certify any record to the
16 court or file any answer in court or otherwise appear in any
17 court in a judicial review proceeding, unless there is filed in
18 the court with the complaint a receipt from the Department
19 acknowledging payment of the costs of furnishing and certifying
20 the record.

21 Section 165. Violations.

22 (a) Each of the following acts constitutes a Class A
23 misdemeanor for the first offense and a Class 4 felony for a

1 second or subsequent offense:

2 (1) the practice, attempt to practice, or offer to
3 practice the profession of registered design, or the
4 advertising or putting out of any sign or card or other
5 device that might indicate to the public that the person is
6 entitled to practice the profession of registered design,
7 without a license as a registered design practitioner or
8 registration as a professional registered design firm
9 issued by the Department; each day of practicing the
10 profession of registered design or attempting to practice
11 the profession of registered design, and each instance of
12 offering to practice the profession of registered design,
13 without a license as a registered design practitioner or
14 registration as a professional registered design firm
15 constituting a separate offense;

16 (2) the making of any willfully false oath or
17 affirmation in any matter or proceeding where an oath or
18 affirmation is required by this Act;

19 (3) the affixing of a registered design practitioner's
20 seal to any technical submission that has not been prepared
21 by that registered design practitioner, or under the
22 registered design practitioner's direct supervision and
23 control;

24 (4) the violation of any provision of this Act or its
25 rules;

26 (5) using or attempting to use an expired, inactive

1 suspended, or revoked license or registration, or the
2 certificate or seal of another, or impersonating another
3 licensee or registrant; or

4 (6) obtaining or attempting to obtain a license or
5 registration by fraud.

6 (b) In addition to any other penalty provided by law, the
7 Department may impose a civil penalty of up to \$5,000 for each
8 violation upon a person, sole proprietorship, professional
9 service corporation, limited liability company, corporation,
10 partnership, or other entity that does not hold an active
11 license as a registered design practitioner, or registration as
12 a professional registered design firm in this State, and is not
13 exempt from the provisions of this Act, and:

14 (1) practices the profession of registered design in
15 this State;

16 (2) advertises or displays any sign or card or other
17 device that might indicate to the public that the person or
18 entity is entitled to practice as a registered design
19 practitioner in this State; or

20 (3) uses the title "registered design practitioner" or
21 any of its derivations with respect to his, her, or its
22 professional activities in this State.

23 (c) Civil penalties imposed and collected under this
24 Section shall be deposited into the Design Professionals
25 Administration and Investigation Fund.

1 Section 170. Administrative Procedure Act. The Illinois
2 Administrative Procedure Act is hereby expressly adopted and
3 incorporated herein as if all of the provisions of that Act
4 were included in this Act, except that the provision of
5 subsection (d) of Section 10-65 of the Illinois Administrative
6 Procedure Act that provides that at hearings the licensee has
7 the right to show compliance with all lawful requirements for
8 retention, continuation, or renewal of the license is
9 specifically excluded. For the purposes of this Act, the notice
10 required under Section 10-25 of the Illinois Administrative
11 Procedure Act is deemed sufficient when mailed to the last
12 known address of a party.

13 Section 175. Fund; appropriations; investments; audits.
14 Moneys deposited in the Design Professionals Administration
15 and Investigation Fund shall be appropriated to the Department
16 exclusively for expenses of the Department and the Board in the
17 administration of this Act, the Illinois Architecture Practice
18 Act of 1989, the Illinois Professional Land Surveyor Act of
19 1989, the Professional Engineering Practice Act of 1989, and
20 the Structural Engineering Licensing Act of 1989. The expenses
21 of the Department under this Act shall be limited to the
22 ordinary and contingent expenses of the design professionals
23 dedicated employees within the Department, as established
24 under Section 2105-75 of the Department of Professional
25 Regulation Law of the Civil Administrative Code of Illinois,

1 and other expenses related to the administration and
2 enforcement of this Act.

3 All fines and penalties under Sections 20 and 75 shall be
4 deposited into the Design Professionals Administration and
5 Investigation Fund.

6 Moneys in the Design Professional Administration and
7 Investigation Fund may be invested and reinvested. Earnings
8 attributable to those investments shall be deposited into the
9 Fund and used for the same purposes as fees deposited into the
10 Fund.

11 Upon the completion of any audit of the Department, as
12 prescribed by the Illinois State Auditing Act, that includes an
13 audit of the Design Professionals Administration and
14 Investigation Fund, the Department shall make the audit open to
15 inspection by any interested person. The copy of the audit
16 report required to be submitted to the Department under this
17 Section is in addition to the copies of audit reports required
18 to be submitted to other State officers and agencies by Section
19 3-14 of the Illinois State Auditing Act.

20 Section 180. Home rule. It is declared to be the public
21 policy of this State, under subsection (h) of Section 6 of
22 Article VII of the Illinois Constitution of 1970, that any
23 power or function set forth in this Act to be exercised by the
24 State is an exclusive State power or function. The power or
25 function shall not be exercised concurrently, either directly

1 or indirectly, by any unit of local government, including home
2 rule units, except as otherwise provided in this Act. This is a
3 limitation of home rule powers.

4 Section 500. The Regulatory Sunset Act is amended by adding
5 Section 4.36 as follows:

6 (5 ILCS 80/4.36 new)

7 Sec. 4.36. Act repealed on January 1, 2026. The following
8 Act is repealed on January 1, 2026:

9 The Illinois Registered Design Practitioner Act.

10 Section 505. The Unified Code of Corrections is amended by
11 changing Section 5-5-5 as follows:

12 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

13 Sec. 5-5-5. Loss and Restoration of Rights.

14 (a) Conviction and disposition shall not entail the loss by
15 the defendant of any civil rights, except under this Section
16 and Sections 29-6 and 29-10 of The Election Code, as now or
17 hereafter amended.

18 (b) A person convicted of a felony shall be ineligible to
19 hold an office created by the Constitution of this State until
20 the completion of his sentence.

21 (c) A person sentenced to imprisonment shall lose his right
22 to vote until released from imprisonment.

1 (d) On completion of sentence of imprisonment or upon
2 discharge from probation, conditional discharge or periodic
3 imprisonment, or at any time thereafter, all license rights and
4 privileges granted under the authority of this State which have
5 been revoked or suspended because of conviction of an offense
6 shall be restored unless the authority having jurisdiction of
7 such license rights finds after investigation and hearing that
8 restoration is not in the public interest. This paragraph (d)
9 shall not apply to the suspension or revocation of a license to
10 operate a motor vehicle under the Illinois Vehicle Code.

11 (e) Upon a person's discharge from incarceration or parole,
12 or upon a person's discharge from probation or at any time
13 thereafter, the committing court may enter an order certifying
14 that the sentence has been satisfactorily completed when the
15 court believes it would assist in the rehabilitation of the
16 person and be consistent with the public welfare. Such order
17 may be entered upon the motion of the defendant or the State or
18 upon the court's own motion.

19 (f) Upon entry of the order, the court shall issue to the
20 person in whose favor the order has been entered a certificate
21 stating that his behavior after conviction has warranted the
22 issuance of the order.

23 (g) This Section shall not affect the right of a defendant
24 to collaterally attack his conviction or to rely on it in bar
25 of subsequent proceedings for the same offense.

26 (h) No application for any license specified in subsection

1 (i) of this Section granted under the authority of this State
2 shall be denied by reason of an eligible offender who has
3 obtained a certificate of relief from disabilities, as defined
4 in Article 5.5 of this Chapter, having been previously
5 convicted of one or more criminal offenses, or by reason of a
6 finding of lack of "good moral character" when the finding is
7 based upon the fact that the applicant has previously been
8 convicted of one or more criminal offenses, unless:

9 (1) there is a direct relationship between one or more
10 of the previous criminal offenses and the specific license
11 sought; or

12 (2) the issuance of the license would involve an
13 unreasonable risk to property or to the safety or welfare
14 of specific individuals or the general public.

15 In making such a determination, the licensing agency shall
16 consider the following factors:

17 (1) the public policy of this State, as expressed in
18 Article 5.5 of this Chapter, to encourage the licensure and
19 employment of persons previously convicted of one or more
20 criminal offenses;

21 (2) the specific duties and responsibilities
22 necessarily related to the license being sought;

23 (3) the bearing, if any, the criminal offenses or
24 offenses for which the person was previously convicted will
25 have on his or her fitness or ability to perform one or
26 more such duties and responsibilities;

1 (4) the time which has elapsed since the occurrence of
2 the criminal offense or offenses;

3 (5) the age of the person at the time of occurrence of
4 the criminal offense or offenses;

5 (6) the seriousness of the offense or offenses;

6 (7) any information produced by the person or produced
7 on his or her behalf in regard to his or her rehabilitation
8 and good conduct, including a certificate of relief from
9 disabilities issued to the applicant, which certificate
10 shall create a presumption of rehabilitation in regard to
11 the offense or offenses specified in the certificate; and

12 (8) the legitimate interest of the licensing agency in
13 protecting property, and the safety and welfare of specific
14 individuals or the general public.

15 (i) A certificate of relief from disabilities shall be
16 issued only for a license or certification issued under the
17 following Acts:

18 (1) the Animal Welfare Act; except that a certificate
19 of relief from disabilities may not be granted to provide
20 for the issuance or restoration of a license under the
21 Animal Welfare Act for any person convicted of violating
22 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
23 Care for Animals Act or Section 26-5 or 48-1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012;

25 (2) the Illinois Athletic Trainers Practice Act;

26 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,

- 1 and Nail Technology Act of 1985;
- 2 (4) the Boiler and Pressure Vessel Repairer Regulation
3 Act;
- 4 (5) the Boxing and Full-contact Martial Arts Act;
- 5 (6) the Illinois Certified Shorthand Reporters Act of
6 1984;
- 7 (7) the Illinois Farm Labor Contractor Certification
8 Act;
- 9 (8) the Illinois Registered Design Practitioner Act
10 ~~the Interior Design Title Act;~~
- 11 (9) the Illinois Professional Land Surveyor Act of
12 1989;
- 13 (10) the Illinois Landscape Architecture Act of 1989;
- 14 (11) the Marriage and Family Therapy Licensing Act;
- 15 (12) the Private Employment Agency Act;
- 16 (13) the Professional Counselor and Clinical
17 Professional Counselor Licensing and Practice Act;
- 18 (14) the Real Estate License Act of 2000;
- 19 (15) the Illinois Roofing Industry Licensing Act;
- 20 (16) the Professional Engineering Practice Act of
21 1989;
- 22 (17) the Water Well and Pump Installation Contractor's
23 License Act;
- 24 (18) the Electrologist Licensing Act;
- 25 (19) the Auction License Act;
- 26 (20) the Illinois Architecture Practice Act of 1989;

- 1 (21) the Dietitian Nutritionist Practice Act;
- 2 (22) the Environmental Health Practitioner Licensing
- 3 Act;
- 4 (23) the Funeral Directors and Embalmers Licensing
- 5 Code;
- 6 (24) the Land Sales Registration Act of 1999;
- 7 (25) the Professional Geologist Licensing Act;
- 8 (26) the Illinois Public Accounting Act; and
- 9 (27) the Structural Engineering Practice Act of 1989.

10 (Source: P.A. 97-119, eff. 7-14-11; 97-706, eff. 6-25-12;

11 97-1108, eff. 1-1-13; 97-1141, eff. 12-28-12; 97-1150, eff.

12 1-25-13; 98-756, eff. 7-16-14.)

13 (225 ILCS 310/Act rep.)

14 Section 510. The Interior Design Title Act is repealed.

15 Section 999. Effective date. This Act takes effect upon

16 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 80/4.36 new

5 730 ILCS 5/5-5-5 from Ch. 38, par. 1005-5-5

6 225 ILCS 310/Act rep.